



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग एक-अ-मध्य उप-विभाग

वर्ष ४, अंक ३३

बुधवार, जुलै १८, २०१८/आषाढ २७, शके १९४०

[पृष्ठे २, किंमत : रुपये २६.००

असाधारण क्रमांक ६७

### प्राधिकृत प्रकाशन

महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपरिषदा, प्राथमिक शिक्षण आण  
स्थानिक निधी लेखापरीक्षा अधिनियम यांखालील (भाग चार-ब मध्ये प्रसिद्ध करण्यात  
आलेले आदेश व अधिसूचना यांव्यतिरिक्त)  
आदेश व अधिसूचना.

### STATE ELECTION COMMISSION, MAHARASHTRA

New Administrative Building, Hutatma Rajguru Chowk, Madam Cama Road  
Mumbai 400 032, dated the 18th July 2018

*Reference.—SEC Order No. SEC.1095/306/Desk-3, dated 2nd March 1995.*

### CORRIGENDUM

No. SEC/ZPPS/2017/CR.44/D-7.— Whereas, the superintendence, direction and control of all election to the Panchayats and the Municipalities in the State are vested in the State Election Commission, Maharashtra in accordance with the provisions of Articles 243-K and 243-ZA of the Constitution of India;

2. And whereas, State Election Commission has plenary powers to cope with certain situations which may not be provided for in the enacted laws and rules and as the relevant State Acts under which the Panchayat and the Municipalities are constituted do not provide for requisitioning the staff, premises, vehicles that may be required at or for an election to Panchayat and Municipality. The State Election Commission, as such has exercised its powers in issuing the said reference order.

3. And whereas, in view of the order passed by the Bombay High Court, Bench at Aurangabad in Writ Petition No.1514/2017 on 5th May 2017, it has become necessary to amend the reference order on the lines of section 159 of the Representation of People Act, 1951.

(१)

Now, therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Mumbai Municipal Corporation Act (Bom.III of 1888), sub-section (4) of section 14 of Maharashtra Municipal Corporation Act (Bom.LIX of 1949), sub-section (4) of section 10-A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, sub-section (4) of section 9A of the Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961 (Mah.V of 1962), sub-section (4) of section 10A of the Maharashtra Village Panchayat Act, 1958 (Bom.III of 1959), and of all the powers enabling it in this behalf, and in relation to holding of elections under these provisions under the supervision, direction and control of the State Election Commission, Maharashtra hereby makes the following order :—

The Para No. 2 of State Election Commission Order No. SEC.1095/306/Desk-3, dated 2nd March 1995 shall be replaced and read as follows :—

“ 2. Requisition of Staff for election –

(1) The authorities specified in sub-section (2) shall, when so requested by Municipal Commissioner in the case of any election to Municipal Corporation or in any other case by the Collector or by an Officer authorized by Municipal Commissioner or as the case may be, by the Collector (hereinafter in this order referred to as requisitioning authority), make available to them such staff as may be necessary for the performance of any duty in connection with the preparation and revision of electoral roll or list of voter and the conduct of election.

(2) The following shall be the authorities for the purpose of sub-section (1), namely :—

(i) any Maharashtra State or Central Government Department or Office,  
 (ii) any Local authority in Maharashtra State,

(iii) any University established or incorporated by or under a Central Provincial or State Act,

(iv) A Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956) ,

(v) Any other institution, concern or undertaking which is established by or under Central Provincial or State Act or which is controlled or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.”.

(3) The above amendment shall come into force on the date of its publication in the *Official Gazette*.

By order of State Election Commissioner,

AVINASH SANAS,  
 Deputy Commissioner,  
 State Election Commission,  
 Maharashtra.